

Appl. No. : 10/020,853  
Filed : December 11, 2001

## **SUMMARY OF INTERVIEW CONDUCTED ON MARCH 4, 2004**

### Participants

Exr. David Willse; Michael Guiliana, Reg. No. 42,611

### Exhibits and/or Demonstrations

Model of inventive lens.

### Identification of Claims Discussed

1, 70 (new)

### Identification of Prior Art Discussed

- 1) Hara et al., Ophthalmic Surgery Vol. 21, No. 2
- 2) Sarfarazi, USP 6,488,708

### Proposed Amendments

Amendments to Claim 1, addition of Claim 70, both as set forth herein

### Principal Arguments and Other Matters

As detailed in the Remarks section below.

### Results of Interview

No agreement was reached with respect to the claims discussed. The Examiner will consider the arguments presented in the interview regarding the claim amendments and proposed new claim.

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### REMARKS

In response to the Office Action mailed December 3, 2003, Applicant respectfully requests the Examiner to reconsider the above-captioned patent application in view of the foregoing amendments and the following comments. As a result of the amendments listed above, Claims 1-17, 27-39 and 43-94 remain pending, of which Claims 27-30 and 44-45 have been withdrawn from consideration. Claims 22-26 and 40-42 have been cancelled without prejudice or disclaimer, and Claims 1 and 67 have been amended. New Claims 70-94 have been added.

In the Office Action mailed December 3, 2003, the Examiner disposed of the claims as follows:

| CLAIM NOS.                               | DISPOSITION/REJECTION |   |                            |
|--|-----------------------|---|----------------------------|
|  | BASIS                 | PRIMARY REFERENCE                                     | SECONDARY REFERENCE(S)     |
| 1-6, 8, 11-17, 22, 24, 26, 43, 62, 68-69 | 102(b)                | Hara et al., <u>Ophthalmic Surgery</u> Vol. 21, No. 2 | n/a                        |
| 31-33, 46-60, 63-66                      | 103(a)                | Hara et al., <u>Ophthalmic Surgery</u> Vol. 21, No. 2 | n/a                        |
| 40-42, 61, 67                            | 103(a)                | Hara et al., <u>Ophthalmic Surgery</u> Vol. 21, No. 2 | Hara et al., JP 2-126847 A |
| 1-17, 22-26, 31-39, 43, 46-60, 62-69     | 103(a)                | Sarfarazi, US 6,488,708                               |                            |
| 40-42                                    | 112 ¶ 2               | n/a   | n/a                        |

#### Interview of March 4, 2004

Applicant thanks Examiner Willse for the courteous and helpful interview of March 4, 2004 (summarized above).

#### Claim 1

Claim 1 stands rejected as anticipated by the Ophthalmic Surgery reference, and as unpatentable in view of JP 2-126847 A. However, Claim 1 has been amended as discussed at the interview:

1. (CURRENTLY AMENDED) An accommodating intraocular lens for implantation in an eye having an optical axis, said lens comprising:  
an anterior viewing element comprised of an optic having refractive power of less than 55 diopters; and

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a first anterior translation member connected to said anterior viewing element at first and second attachment locations;

a posterior viewing element comprised of an optic having refractive power, said optics providing a combined power of ~~15-25~~ 10-30 diopters;[[,]]

a first posterior translation member connected to said posterior viewing element at third and fourth attachment locations, said first anterior translation member and said first posterior translation member connected at a first apex such that all of said first, second, third and fourth attachment locations are interconnected to one another through said anterior translation member and said posterior translation member;

said anterior optic being mounted to move relative to said posterior optic  
~~optics mounted to move relative to each other~~ along the optical axis between an accommodated position and an unaccommodated position in response to ~~a force by~~ action of the ciliary muscle of the eye, said relative movement corresponding to change in the combined power of the optics of at least one diopter;

wherein said lens is configured such that, when said lens is implanted in the eye, said posterior optic is substantially stationary with respect to a location on said optical axis during movement of said anterior optic;

wherein said anterior optic and said posterior optic are positioned further apart when said anterior optic is in the accommodated position than when said anterior optic is in the unaccommodated position, and said anterior optics ~~are~~ is biased toward said accommodated position.

Applicant respectfully submits that the Ophthalmic Surgery reference fails to disclose or suggest the lens recited in amended Claim 1. For example, Ophthalmic Surgery contains no teaching of “a first anterior translation member connected to [an] anterior viewing element at first and second attachment locations ... a first posterior translation member connected to [a] posterior viewing element at third and fourth attachment locations, said first anterior translation member and said first posterior translation member connected at a first apex such that all of said first, second, third and fourth attachment locations are interconnected to one another through said anterior translation member and said posterior translation member.” See Ophthalmic Surgery at Figs. 1, 2A-2B.

The Sarfarazi patent cited by the Examiner also fails to disclose or suggest the above-noted limitation of amended Claim 1. See Sarfarazi at Figs. 3-5, 11-13, 15, 17.

For at least the foregoing reasons, Claim 1 is believed to be in condition for allowance over the prior art of record.

#### Claim 70

Applicant presents herein new Claim 70, discussed at the interview of March 4. As mentioned in the interview, new Claim 70 recites lens comprising, inter alia, “[an] anterior portion having a first geometry; [a] posterior portion having a second geometry different from

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said first geometry, said geometries of said anterior and posterior portions configured to allow (i) [an] anterior optic to move over a first range of movement along [an] optical axis, and (ii) [a] posterior optic to move over a second range of movement along said optical axis; wherein said first range of movement is greater than said second range of movement.”

#### Dependent Claims, New Claims

As demonstrated above, independent Claim 1 is believed to be in condition for allowance over the prior art of record. Dependent Claims 2-17, 31-39, 43, 46-69 are also believed to be in condition for allowance, by virtue of their dependence from an allowable base claim as well as their recitation of further novel and unobvious combinations of features. New Claims 70-94 presented herein are also believed to be in condition for allowance.

#### Support for Amendments, New Claims

Descriptive support for the claim amendments and new claims presented herein may be found in at least the following portions of the specification. Please note that this identification of descriptive support is not intended to be exhaustive with respect to any of the claims. Rather, the following identification is intended merely to demonstrate sufficient descriptive support to satisfy section 112, paragraph 1, and the claims may find support in Applicant’s lengthy specification in portions other than those identified. (All figure and paragraph numbers refer to the application as published (no. US 2002/0107568A1).)

Claim 1: Figs 18-19; paras. 0116-0118

Claim 67: Figs 3-7, 11-12, 18-19; paras. 0085-0092

Claim 70: Figs. 18-19; paras. 0116-0118

Claim 71: para. 0094

Claims 72-79: para. 0108

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Claims 80-86: para. 0096

Claims 87-89: para. 0109

Claim 90: para. 0155

Claim 91: Figs 3-7, 11-12, 18-19; paras. 0085-0092

### Specification

Applicant has amended paragraph 0116 of the specification, to correct textual errors which are obvious in view of paragraph 0117 as well as Figure 18.

### Supplemental Information Disclosure Statement

Applicant submits herewith a Supplemental Information Disclosure Statement citing several additional references for consideration by the Examiner.

### Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches. Although amendments, deletions and cancellations have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments, deletions and cancellations are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped

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issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Mark J. Kertz at (949) 721-6318 to resolve such issue(s) promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Apr. 5, 2004

By: Mark Kertz

Mark J. Kertz  
Registration No. 43,711  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

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